

REMARKS

Reconsideration and re-examination is respectfully requested in view of the above amendments and below remarks.

Rejections under 35 U.S.C. §102

Claims 1, 10 and 11 were rejected under 35 U.S.C. §102(c) as anticipated by Koo. Applicants have cancelled claims 1 and 10-12, and therefore request that this rejection be withdrawn.

Claims 2, 3, 13 and 18 were rejected under 35 U.S.C. §102(c) as anticipated by Kitchin (U.S. Patent 7,260,392).

Kitchin:

Kitchin describes a wireless local area network (LAN) in which a source node initially communicates with a destination node using a direct link. After the destination node moves to a different location and becomes associated with a new access point (AP), the destination node notifies the source node. The source node then tears down the direct link and re-establishes communication with the destination node using the new AP. (Kitchin, Abstract).

Kitchin describes, at column 3 lines 10-37, the operation of a duplicate detection cache as follows:

“... For example, each packet may be marked with a monotonically increasing sequence number. Packets that are to be retransmitted by the transmitter are associated with the same sequence number as the same packets during the first transmission attempt. The

receiver in the destination node 120 may maintain a duplicate detection cache, which contains the sequence number of the last successfully received packets. This allows the receiver to determine whether any packet it receives is a duplicate, and when a duplicate packet is determined, it may be discarded. The receiver may then send an acknowledgement to the transmitter to confirm with the transmitter that the packet has been received and does not to be retransmitted. It may be noted that, in the example illustrated above, the sequence information known to the source node 115 and stored in the destination node 120 is local to the BSS 100 because both the source node 115 and the destination node 120 are in the BSS 100. Although the above example refers to using the sequence information and the duplicate detection cache as one method of detecting duplication, other methods may also be used to prevent packet duplication..."

Applicant has amended claim 2 to include the limitation of "...wherein the selected number of previously received packets examined in the step of comparing differs for at least two quality of service levels..." Support for Applicant's amendment can be found at page 9 of Applicant's specification, which states "The present invention is not limited to any particular anti-replay window size... It is envisioned that in some embodiments, PHBs of higher priority may have smaller anti-replay widows than those with higher priority..." No mention or suggestion is found in Kitchin for comparing different numbers of previously received packet sequence numbers to a received sequence number depending upon the quality of service of the received packet. For at least this reason, independent claims 2, 13 and 18 are patentably distinct over Kitchin, and it is requested that the rejection be withdrawn. Dependent claims 3-12 and 14-17 serve to further limit allowable parent claims and are therefore allowable for at least the same reason as their parent claims.

#### Rejections under 35 U.S.C. §103

Claim 4 was rejected under 35 U.S.C. §103 as being unpatentable over Kitchin in view of Nagarajan.

Nagarajan

Nagarajan describes “...An Optical Transport Network (OTN) (comprising a number of OTN nodes) uses an Internet Protocol (IP) based control plane (out-of-band signaling on a separate wavelength). Each OTN node of the IP-based control plane performs dual-feeding and dual-selecting of signaling messages on diverse signaling paths. The IP-based control plane establishes a pair of physically disjoint signaling paths between every set of neighboring OTN nodes (pre-computed and pre-established physically disjoint primary and secondary message paths in the IP-based control plane)...” (Abstract)

Nagarajan describes “...Every signaling packet receives a distinct sequence number from other signaling packets...” Thus Nagarajan, like Kitchin, fails to disclose comparing different numbers of previously received packet sequence numbers to a received sequence number depending upon the quality of service of the received packet, as in the newly amended claims. Thus for at least the reason that that the combination of references fails to teach or describe several limitations of the claims it is requested that the rejection of claim 4 be withdrawn.

Claim 5 was rejected under 35 U.S.C. §103(a) as being unpatentable over Koo in view of Zdan (U.S. 7,020,143). Claim 6 was rejected under 35 U.S.C. §103(a) as being unpatentable over Koo in view of Koodli. Claims 7-9 and 14-16 were rejected under 35 U.S.C. §103(a) as being unpatentable over Kitchin in view of Zdan. Claim 12 was rejected under 35 U.S.C. §103(a) as being unpatentable over Kitchin in view of Lahti. Claim 17 was rejected under 35 U.S.C. §103(a) as being unpatentable over Kitchin in view of Koodli. Claim 18 was rejected under 35 U.S.C. §103(a) as being unpatentable over Kitchin in view of Koodli.

As has been discussed at length above, neither Kitchin or Koo teach or suggest several basic concepts of the claims including a method and apparatus that associated sequence numbers with packets based on a quality of service of the packet. The additional references provided by the Examiner, including Zdan, Koodli and Lahti fail to overcome the inadequacies of Kitchin, and Koo. For example, although Zdan teaches differentiated routing, it neither describes nor suggests associating *sequence numbers* with packets based on the quality of service of the packet. In addition, although Lahti describes the use of a mask, there is no mention or suggestion in Lahti, alone or in combination with other references, of using different masks for different quality of service levels.

Accordingly, for at least the reason that the combination of references fails to describe or suggest the elements of the claims, it is requested that the rejection of the claims be withdrawn.

Conclusion:

Applicants have made a diligent effort to place the claims in condition for allowance. However, should there remain unresolved issues that require adverse action, it is respectfully requested that the Examiner telephone Applicants' Attorney at the number listed below so that such issues may be resolved as expeditiously as possible.

For these reasons, and in view of the above amendments, this application is now considered to be in condition for allowance and such action is earnestly solicited.

Respectfully Submitted,

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Date

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